

# Parish Declarations and Qualifications Amendment Ordinance 2013

No 47, 2013

## Long Title

An Ordinance to amend the Parish Administration Ordinance 2008 and the Nomination Ordinance 2006 with respect to the declarations and qualifications required to hold certain offices.

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows.

### 1. Name

This Ordinance is the Parish Declarations and Qualifications Amendment Ordinance 2013.

### 2. Amendment to the Parish Administration Ordinance 2008

The Parish Administration Ordinance 2008 is amended as follows –

- (a) delete the matter in rule 2.6(2) of Schedule 1 and the accompanying note and insert instead the following matter –

“A person who –

- (a) is bankrupt,
- (b) is mentally ill or is otherwise incapable of acting, or
- (c) has been convicted of a disqualifying offence listed in Schedule 2 of the Child Protection (Working with Children) Act 2012,

may not be elected or appointed as a member of a parish council or a committee established under rule 3.5.

#### **Notes:**

- (1) *Rule 1.15(5) defines when a person is bankrupt or mentally ill.*
- (2) *Disqualifying offences in Schedule 2 of the Child Protection (Working with Children) Act 2012 include the murder or manslaughter of a child, intentional wounding or committing grievous bodily harm to a child, abandonment of a child, serious sex offences, incest, bestiality and offences related to child pornography/child abuse material. In general, these are sex offences or offences involving children which are punishable by imprisonment of 12 months or more. If in doubt check the legislation.”, and*

- (b) delete the matter in rule 2.6(2) of Schedule 2 and the accompanying note and insert instead the following matter –

“A person who –

- (a) is bankrupt,
- (b) is mentally ill or is otherwise incapable of acting, or
- (c) has been convicted of a disqualifying offence listed in Schedule 2 of the Child Protection (Working with Children) Act 2012,

may not be elected or appointed as a member of a parish council or a committee established under rule 3.4.

#### **Notes:**

- (1) *Rule 1.15(5) defines when a person is bankrupt or mentally ill.*
- (2) *Disqualifying offences in Schedule 2 of the Child Protection (Working with Children) Act 2012 include the murder or manslaughter of a child, intentional wounding or committing grievous bodily harm to a child, abandonment of a child, serious sex offences, incest, bestiality and offences related to child pornography/child abuse material. In general, these are sex offences or offences involving children which are punishable by*

## Parish Declarations and Qualifications Amendment Ordinance 2013

*imprisonment of 12 months or more. If in doubt check the legislation.”, and*

- (c) delete the matter “am not a prohibited person within the meaning of the Commission for Children and Young People Act 1998” in rule 2.7(1) of Schedules 1 and 2 and insert instead the following –
  - “have not been convicted of a disqualifying offence listed in Schedule 2 of the Child Protection (Working with Children) Act 2012”, and
- (d) insert the following note at the end of rule 2.7 of Schedule 1 and 2 –
  - Note:** *See the note at the end of rule 2.6(2) for a summary of the disqualifying offences listed in Schedule 2 of the Child Protection (Working with Children) Act 2012.”, and*
- (e) delete the matter in rule 2.8(1)(a)(v) of Schedules 1 and 2 and insert instead the following matter –
  - “is convicted of a disqualifying offence listed in Schedule 2 of the Child Protection (Working with Children) Act 2012,”, and
- (f) insert the following at the end of the note in rule 2.8(1) of Schedule 1 and 2 –
  - “See the note at the end of rule 2.6(2) for a summary of the disqualifying offences listed in Schedule 2 of the Child Protection (Working with Children) Act 2012.”, and*
- (g) delete the matter in rule 2.12(6) of Schedule 1 and rule 2.11(6) of Schedule 2 and insert the follow matter instead –
  - “A person who is convicted of a disqualifying offence listed in Schedule 2 of the Child Protection (Working with Children) Act 2012 may not be appointed or elected as a warden.
  - Note:** *See the note at the end of rule 2.6(2) for a summary of the disqualifying offences listed in Schedule 2 of the Child Protection (Working with Children) Act 2012.”, and*
- (h) delete the matter “am not a prohibited person within the meaning of the Commission for Children and Young People Act 1998” in rule 2.13(4) of Schedule 1 and rule 2.12(4) of Schedule 2 and insert the follow matter instead –
  - “have not been convicted of a disqualifying offence listed in Schedule 2 of the Child Protection (Working with Children) Act 2012.
  - Note:** *See the note at the end of rule 2.6(2) for a summary of the disqualifying offences listed in Schedule 2 of the Child Protection (Working with Children) Act 2012.”, and*
- (i) delete the matter in rule 2.14(1)(a)(vi) of Schedule 1 and rule 2.13(1)(a)(vi) of Schedule 2 and insert instead the matter –
  - “is convicted of a disqualifying offence listed in Schedule 2 of the Child Protection (Working with Children) Act 2012, or”, and
- (j) insert the following at the end of the note in rule 2.14(1) of Schedule 1 and rule 2.13(1) of Schedule 2 –
  - “See the note at the end of rule 2.6(2) for a summary of the disqualifying offences listed in Schedule 2 of the Child Protection (Working with Children) Act 2012.”, and*
- (k) delete the words “is a prohibited person” in the note accompanying rule 3.5(3) of Schedule 1 and rule 3.4(3) of Schedule 2 and insert instead the following matter –
  - “has been convicted of a disqualifying offence listed in Schedule 2 of the Child Protection (Working with Children) Act 2012”, and*
- (l) delete the declaration in rule 7.4(1)(c) of Schedules 1 and 2 and insert the following declaration instead –

### Parish Declarations and Qualifications Amendment Ordinance 2013

"I declare that I have not been convicted of a disqualifying offence listed in Schedule 2 of the Child Protection (Working with Children) Act 2012.", and

- (m) insert the following note at the end of rule 7.4(1) of Schedule and 2 –

*"Note: See the note at the end of rule 2.6(2) for a summary of the disqualifying offences listed in Schedule 2 of the Child Protection (Working with Children) Act 2012."*, and
- (n) delete the matter in rule 7.4(3)(c) of Schedules 1 and 2 and insert the following matter instead –

"convicted of a disqualifying offence listed in Schedule 2 of the Child Protection (Working with Children) Act 2012", and
- (o) insert the following at the end of the note in rule 7.4(3) of Schedules 1 and 2 –

*"See the note at the end of rule 2.6(2) for a summary of the disqualifying offences listed in Schedule 2 of the Child Protection (Working with Children) Act 2012."*, and

### 3. Amendment to the Nomination Ordinance 2006

The Nomination Ordinance 2006 is amended as follows –

- (a) renumber clause 2 as clause 2(1) and insert a new clause 2(2) as follows –

"(2) Notes in this Ordinance are for explanatory purposes only and do not form part of the Ordinance. The Diocesan Secretary is authorised to update the notes when reprinting this Ordinance under clause 8 of the Interpretation Ordinance 1985.", and
- (b) in clause 32(2)(b) delete the matter "is a prohibited person within the meaning of the Child Protection (Prohibited Employment) Act 1998" and insert instead the following matter –

"has been convicted of a disqualifying offence listed in Schedule 2 of the Child Protection (Working with Children) Act 2012", and
- (c) insert the following at the end of clause 32 –

*"Note: Disqualifying offences in Schedule 2 of the Child Protection (Working with Children) Act 2012 include the murder or manslaughter of a child, intentional wounding or committing grievous bodily harm to a child, abandonment of a child, serious sex offences, incest, bestiality and offences related to child pornography/child abuse material. In general, these are sex offences or offences involving children which are punishable by imprisonment of 12 months or more. If in doubt check the legislation."*, and
- (d) in clause 35(1)(b) delete the matter "am not a prohibited person with in the meaning of the Child Protection (Prohibited Employment) Act 1998" an insert instead the following matter –

"have not been convicted of a disqualifying offence listed in Schedule 2 of the Child Protection (Working with Children) Act 2012", and
- (e) insert the following note at the end of clause 35 –

*"Note: See the note at the end of clause 32 for a summary of the disqualifying offences listed in Schedule 2 of the Child Protection (Working with Children) Act 2012."*, and
- (f) delete clause 37(1)(e) and insert instead the following –

"(e) is convicted of a disqualifying offence listed in Schedule 2 of the Child Protection (Working with Children) Act 2012.", and
- (g) insert the following note at the end of clause 37(1) –

*"Note: See the note at the end of clause 32 for a summary of the disqualifying offences listed in Schedule 2 of the Child Protection (Working with Children) Act 2012."*

**Parish Declarations and Qualifications Amendment Ordinance 2013**

I Certify that the Ordinance as printed is in accordance with the Ordinance as reported.

K SOWADA  
Deputy Chairman of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on 10 November 2013.

R WICKS  
Secretary

I Assent to this Ordinance.

GN DAVIES  
Archbishop of Sydney  
19/11/2013